

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-13 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-15 will be pending for further consideration and examination in the application.

REJECTION UNDER 35 USC '103

The 35 USC '103 rejection of claims 1-13 as being unpatentable over Gershman et al. (U.S. Patent 6,401,085) in view of Heinonen et al. (U.S. Patent Pub 2003/0228842) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by

reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following remarks supplied from Applicant's foreign representative.

Applicant's present invention provides a system for managing user's presence information which may be often updated to the latest presence information, and a matching condition for another user's presence information, and for deciding a mutual matching between the presence of users with the respective conditions designated by the users. The presence server of Applicant's present invention has a matching decision program (13 in Fig. 1) for determining first and second users whose presences are matched with the respective designated conditions bi-directionally to execute the matching decision process when an arbitrary user's presence was updated (Fig. 8). As shown in step S803 (Fig. 8), a matching decision is made as a bi-directional matching decision both to determine if the updated presence of the first user matches a matching condition designated by the second user, and also if the presence of the second user matches a matching condition designated by the first user (S804, S805).

Gershman discloses that a mobile portal as a presence management apparatus updates a presence (location information, etc.) of the user/shopper received from the electronic valet used by the user/shopper. The mobile portal updates the presence (online catalogue) of the store/retailer received from the second apparatus used by the store/retailer. The mobile portal receives a condition (shopping list, shopping venue they intended to visit) from the electronic valet. The mobile portal makes matching when the location of the user/shopper is changed or the condition of the user/shopper is changed. The mobile portal transmits information

to the user/shopper or store/retailer which satisfy the matching. See the description in column 60, line 50 to column 61, line 21; column 62, lines 14-15; column 62, lines 25-30; column 62, lines 46-58; column 46, lines 22-30; and column 62, line 65 to column 63, line 2 of Gershman.

However, Gershman's system neither includes, nor teaches, nor suggests, any unit corresponding to Applicant's claimed "matching condition registration means for registering a matching condition for the first user's (user/shopper) presence designated by the second user (store/retailer)" of the present invention. Gershman's system shows a fixed condition that only indicates a user whose location is close to a store. Gershman does not disclose the matching decision means of bidirectional matching decision between the first and second users. That is, Gershman does not teach that when the presence of the second user was updated (e.g., a time sale starts at the store) or the condition of the second user was updated (e.g., a condition for the status of the shopper was changed), the bidirectional matching mutually between the first user (shopper) and the second user (store).

The Examiner has stated that the user table 1310 of Gershman shows a matching table (claim 4) for storing matching candidates. However, Applicant cannot agree to such Examiner's statement, because, the user table 1310 of Gershman does not store matching candidates for an identifier of the first user when it is decided that the first user's presence matches the matching condition designated by the second user and the second user's presence does not match the matching condition designated by the first user. The user table 1310 merely stores the user and its profile in association with the user.

Turning to the secondary reference, Heinnonen discloses that a presence management device (terminal 101, access point 125) includes means for updating user's presence (keyword, type of information of interest) and means for searching a device having the same presence (i.e., same keyword, same type of information). Heinnonen does not disclose matching condition registration means for registering at said user table a matching condition for another user's presence including the second user's presence received from the first apparatus and designated by the first user, and a matching condition for another user's presence including the first user's presence received from the second apparatus and designated by the second user. Heinnonen also does not disclose matching decision means of bidirectional matching decision between the first and second users.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.43554X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Paul J. Skwierawski/
Paul J. Skwierawski
Registration No. 32,173

PJS/slk
(703) 312-6600